

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SAWATZKI et al.

Serial No.: 09/774,188

Filed: February 6, 2001

For: CARBOHYDRATES MIXTURE

Attention: PCT OFFICE

REQUEST FOR CLARIFICATION

Assistant Commissioner for Patents

Box PCT

Washington, D.C. 20231

Sir:

Applicants have received a Notification of Missing Requirements in connection with the above identified application. The Official Action states that the application requires a translation into English and requires a processing fee for the translation being submitted later than the appropriate 20 or 30 months.

Applicants submit that the application was filed in English as evidenced by the enclosed date stamped receipt card which indicates the PCT National Stage Transmittal Letter with Translation were filed on February 6, 2001. However, in an effort to expedite the prosecution of this application, Applicants submit herewith a further copy of the English translation. Accordingly, Applicants request clarification with regard to the required processing fee since the English translation was timely filed with the application, Applicants believe no fee should be required. However, if any fees are deemed necessary, please charge them to deposit account number 02-0200. A duplicate of this paper is enclosed.

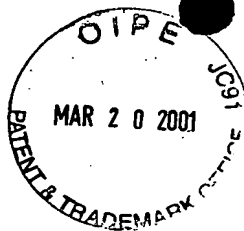
03/23/2001 HNGUYEN 00000011 020200 09774188

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Respectfully submitted,  
BACON & THOMAS, PLLC

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March 20, 2001



Rec'd PCT/PTO 20 MAR 2001

EARLY NOTICE OF SERIAL NUMBER REQUESTED

PATENT APPLICATION

BACON & THOMAS

(NEW)

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Attorney Docket Number: REF/SAWATZKI/878

The PTO stamp hereon acknowledges receipt of an appended new application for ☐ Utility Patent ☐ Design Patent ☐ Provisional

☒ Nat'l. Stage Processing Docs. of Intl. Appln. No. PCT/EP99/05878 Filed: August 11, 1999.

of (INV.): SAWATZKI et al.

For (TITLE): CARBOHYDRATES MIXTURE

INCLUDING: 21 Pgs. of Spec. ☒ Prelim. Amdt. ☒ Check for \$900.00

Shts. of Dwgs. ( ☐ Formal ☐ Informal ) ☒ Abstract 12 Claims

☐ Transmittal ☒ Declaration (New) ☐ Declaration (From Prior Application)

☒ Assignment ☐ Appendix to Specification ☐ Power of Attorney

☒ Inf. Discl. Stmt. w/o refs. ☐ Certified Copy of Priority Doc.

☐ Sm. Entity Stmt(s) - ☐ inv. ☐ sm. bus. ☐ non-inv. ☐ non-profit

☐ Continuation ☐ Divisional ☐ Cont.-in-Part of Prior Appln. No. \_\_\_

☒ PCT National Stage Transmittal Letter With: ☐ Int'l. Appl. (As filed) ☒ Trans.

Trans. of ☐ Amendment (Art. 19) ☐ Annexes (Art. 34)

☐

"PCT"

09/774188

80 Rec'd PCT/PTO 06 FEB 2001

Filed by : REF/kd



Rec'd PCT/PTO 20 MAR 2001

Date 3.14.01 Atty REF  
Action Due Missing requirement  
Deadline April 13, 2001  
Final Deadline Sept 13, 2001



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/774188	SAWATZKI	G
BACON & THOMAS 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22312 1176		REF/SAWATZKI
INTERNATIONAL APPLICATION NO.		
PCT/EP99/05878		
I.A. FILING DATE	PRIORITY DATE	
11 AUG 99	11 AUG 98	
DATE MAILED: 13 MAR 2001		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
  - ☒ U.S. Basic National Fee.
  - ☒ Copy of the international application in:
    - ☒ a non-English language.
    - ☐ English.
  - ☒ Translation of the international application into English.
  - ☒ Oath or Declaration of inventors(s) for DO/EO/US.
  - ☐ Copy of Article 19 amendments.
  - ☐ Translation of Article 19 amendments into English.
  - ☒ The International Preliminary Examination Report in English and its Annexes, if any.
  - ☐ Translation of Annexes to the International Preliminary Examination Report into English.
  - ☒ Preliminary amendment(s) filed 06 FEB 2001 and
  - ☒ Information Disclosure Statement(s) filed 06 FEB 2001 and
  - ☒ Assignment document.
  - ☐ Power of Attorney and/or Change of Address.
  - ☐ Substitute specification filed
  - ☐ Verified Statement Claiming Small Entity Status.
  - ☒ Priority Document.
  - ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
  - ☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☐ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$            as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed:  
☐ PCT/DO/EO/917  
☐ PTO-875  
☐ Notice of Defective Translation  
FORM PCT/DO/EO/905 (December 1997)

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